

**MINUTES OF THE CITY-COUNTY COUNCIL  
AND  
SPECIAL SERVICE DISTRICT COUNCILS  
OF  
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS  
MONDAY, MAY 23, 2005**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:06 p.m. on Monday, May 23, 2005, with President Talley presiding.

Councillor Gibson led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

**ROLL CALL**

President Talley instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

*27 PRESENT: Abdullah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*  
*2 ABSENT: Bradford, Conley*

A quorum of twenty-seven members being present, the President called the meeting to order.

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Sanders recognized State Representative Bill Crawford, Senator Luke Kenley, Deputy Mayor Melina Kennedy, Senator Glenn Howard, and Daniel Emerson of the Indianapolis Colts. President Talley said that Governor Mitch Daniels sent a letter to the Council that Councillor Borst will read during Official Communications. Councillor Abdullah recognized Councillor-At-Large from Fort Wayne, Indiana, John Crawford. Councillor Mansfield recognized Dr. Virginia Caine, Marion County Health Department, and Bruce Hetrick and Mickey Maurer of Smoke Free Indy. Councillor Brown introduced students and staff at Warren Central High School. Councillor recognized staff and board members of arts organizations in the audience. Councillor McWhirter recognized former Councillors Toby McClamroch and Frank Short. Councillor Langsford recognized several

citizens from Warren Township in attendance regarding zoning issues. Councillor Pfisterer recognized Desmond Irons, student at Ben Davis Schools. Councillor Oliver recognized Ed Rosemeyer from Warren Township.

## **OFFICIAL COMMUNICATIONS**

The President stated that he Senator Luke Kenley, State Representative Bill Crawford, Deputy Mayor Melina Kennedy have been invited to make a few remarks to the Council this evening. He added that Councillor Borst also has a communication from Governor Mitch Daniels that he would like to read into the record.

Senator Kenley thanked the Council for their work as public servants and stated that he is here to make a few remarks concerning the convention center and stadium issue. He said that this is a big issue that is far-reaching, and many people have come together to make this funding happen. He said that Mayor Bart Peterson put forth a plan to attract conventions and general convention activity as well as support the stadium complex with the agreement of a professional football team willing to make a large commitment to the community. He said that there were six or seven plans in front of the General Assembly, and a working group made up of the Mayor, members of the Capital Improvements Board, Councillor Borst, President Talley and many others, with the help of the Governor, were able to come up with a viable plan. He said that the plan asks surrounding counties to also commit, and the Governor has been using his political power to help make that happen. He said that he is asking that the Council help with this tax issue here in Marion County. He said that tax increases are never easy, but these increases will mostly be paid by visitors to the city. He said that the plan is a bi-partisan effort that passed 46-3 in the Senate.

State Representative Crawford stated that he would like to publicly applaud Senator Kenley for his leadership in pulling together a working group and fostering frank, candid discussions on this issue. He encouraged the Council to take the next step and move this ordinance forward. He said that he co-sponsored the legislation that created the first food and beverage tax because he believes strongly that expansion will provide jobs and opportunities for constituents. He said that tax increases are hard to support, but difficult choices sometimes need to be made. He said that if the State waits for every possible objection to be overcome, no progress will be made.

Ms. Kennedy stated that this project will mean significant economic development and will create thousands of jobs, as well as retaining Indianapolis as a National Football League city. The project will also help to expand major National Collegiate Athletic Association (NCAA) events. She said that the project will help bring in larger conventions and on behalf of the Mayor, who supports this plan, time is of the essence.

Councillor Borst read the following communication from Governor Mitch Daniels:

May 23, 2005

Dear Members of the City-County Council:

Although other duties keep me from being with you this evening, I didn't want to miss the opportunity to communicate with you as local governments around Central Indiana begin to consider the financing plan for the stadium and convention center project.

Under the leadership of Mayor Peterson, the City of Indianapolis initiated a forward-looking plan to secure the Colts as an Indianapolis franchise for many years to come. Integral to this initiative, the City's proposal included expansion and improvement of the Indiana Convention Center and agreement with the NCAA about its commitment to Indianapolis as the site of future "Final Fours."

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The work that went into this proposal, especially the successful negotiations with the Colts, was instrumental in this process. But, it was not the end. It remained for the Indiana General Assembly to approve a funding mechanism for this ambitious plan, and, as you saw, success was in grave doubt.

I needn't explain the difficulties of lawmaking to a legislative body! Suffice to say that I was delighted we found a way to finance and build exactly the project envisioned by the Mayor and the Capital Improvements Board, overcoming initially strong resistance and eventually achieving a near-consensus in the General Assembly.

The final bill, like most legislation, may leave no single participant completely happy. The financing plan that has been crafted, however, is a fair and sound one, and I urge your support.

In the coming few weeks, I will be encouraging your sister councils in the adjacent counties to join in support of this project. And in a little more than three years, I look forward to all of us joining together to celebrate the first fruits of our combined efforts.

Sincerely,  
s/Mitchell E. Daniels, Jr., Governor

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, May 23, 2005, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,  
s/Steve Talley  
President, City-County Council

May 6, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Monday, May 9, 2005, a copy of a Notice of Public Hearing on the Indianapolis Marion County Public Library Capital Project Fund Plan, said hearing to be held on Monday, May 16, 2005, at 4:30 p.m. in Room 118 of the City-County Building.

Respectfully,  
s/Jean Ann Milharcic  
Clerk of the City-County Council

May 10, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, May 11, 2005 and in the *Indianapolis Star* on Thursday, May 12, 2005, a copy of a Notice of Public Hearing on Proposal Nos. 211, 213 and 214, 2005, said hearing to be held on Monday, May 23, 2005, at 7:00 p.m. in the City-County Building.

Respectfully,  
s/Jean Ann Milharcic  
Clerk of the City-County Council

May 19, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 49, 2005 – approves an increase of \$115,000 in the 2005 Budget of the Public Defender Agency (State and Federal Grants Fund) to pay contractual services for sentencing consultants, substance abuse screener, Juvenile Diversion Program facilitator and Midtown Mental Health Center, funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 50, 2005 – approves an increase of \$88,076 in the 2005 Budget of the Marion County Community Corrections Agency (State and Federal Grants Fund) to fund a substance abuse treatment program, funded by a grant from Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 58, 2005 – approves an increase of \$489,100 in the 2005 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to cover salaries, fringes and overtime for Hancock, Hamilton and Marion County, funded by a Metro Drug Task Force Grant from Indiana Criminal Justice Institute

GENERAL ORDINANCE NO. 39, 2005 - authorizes intersection controls for the Augusta Commons (Crossing) Subdivision, Sections 1 and 2 (District 1)

GENERAL ORDINANCE NO. 40, 2005 - authorizes intersection controls for the Country Charm Subdivision, Sections 1 and 2 (District 13)

GENERAL ORDINANCE NO. 41, 2005 - authorizes parking control changes on Capitol Avenue between Maryland Street and Washington Street (District 19)

GENERAL ORDINANCE NO. 42, 2005 - authorizes intersection controls for the Willow Lakes Subdivision, Section 4 (District 21)

GENERAL ORDINANCE NO. 43, 2005 - authorizes intersection controls for the Willow Oaks Subdivision, Section 4 (District 21)

SPECIAL RESOLUTION NO. 34, 2005 - recognizes HSBC and Habitat for Humanity of Greater Indianapolis for their efforts to revitalize the Martindale/Brightwood neighborhood

SPECIAL RESOLUTION NO. 35, 2005 - recognizes Lawrence North Wildcats on its second consecutive Class 4A basketball championship title

SPECIAL RESOLUTION NO. 36, 2005 – recognizes Greg Oden of Lawrence North High School for his many accomplishments on and off the basketball court

SPECIAL RESOLUTION NO. 37, 2005 – determines the need to lease approximately 7,962 square feet of office space at 155 East Market Street, Suite 200, for a home detention program of the Marion County Community Corrections Agency

Respectfully,  
s/Bart Peterson, Mayor

## **ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed.

Councillor Franklin moved, seconded by Councillor Gray, to move Proposal Nos. 45 and 133, 2005 forward on the agenda due to the number of people in attendance regarding these issues. The motion carried by a unanimous voice vote. President Talley stated that Proposal No. 45, 2005 will be handled before the Introduction of Proposals, and Proposal No. 133, 2005 will be handled immediately after Introductions.

Without further objection, the agenda was adopted as amended.

## APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of May 9, 2005. There being no additions or corrections, the minutes were approved as distributed.

## PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 250, 2005. The proposal, sponsored by Councillors Pfisterer, McWhirter and Salisbury, recognizes HOSTS Program for its work in the Metropolitan School District of Wayne Township. Councillor Pfisterer read the proposal and presented representatives with copies of the document and Council pins. Coordinator Judy Haynes thanked the Council for the recognition. Councillor Pfisterer encouraged Council members to get involved in mentoring programs. She moved, seconded by Councillor McWhirter, for adoption. Proposal No. 250, 2005 was adopted by a unanimous voice vote.

Proposal No. 250, 2005 was retitled SPECIAL RESOLUTION NO. 38, 2005, and reads as follows:

### CITY-COUNTY SPECIAL RESOLUTION NO. 38, 2005

A SPECIAL RESOLUTION recognizing HOSTS Program for its work in the Metropolitan School District of Wayne Township.

WHEREAS, the HOSTS (Help One Student To Succeed) Program, started in April of 2002 in the MSD of Wayne Township and had an enrollment of 340 students for the 2003-2004 academic year; and

WHEREAS, the mission of the HOSTS Program is to use community volunteers in a structured, one-on-one mentoring model to help second graders who are struggling in reading to improve their literacy skills, enabling them to advance to reading at grade level or higher; and

WHEREAS, since its inception, HOSTS Program has expanded to eleven Wayne Township schools and is becoming a model for reading programs in the Midwest; and

WHEREAS, the success of the program comes from quality mentors willing to spend one hour a week mentoring two second grade students for ½ hour each; and

WHEREAS, HOSTS is a community program with nearly 150 business partners providing release time to employees to mentor one hour a week; and

WHEREAS, in 2004-2005 nearly 800 volunteers will mentor students in the second grade, making the program one of the largest volunteer programs in the State of Indiana; and

WHEREAS, of the 340 students who participated in the program in 2003-2004, 69 advanced one reading level, 125 advanced two reading levels, 69 advanced three reading levels, 49 advanced four reading levels and, 17 advanced five reading levels; now, therefore:

### BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes HOSTS Program for its outstanding success in advancing the reading levels of students in the Metropolitan School District of Wayne Township.

SECTION 2. The Council extends its gratitude and appreciation to mentors of the program and wishes HOSTS much success in future endeavors.

SECTION 3. The Council hopes the program will be expanded to other schools throughout Marion County to help improve reading levels for all students.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 251, 2005. The proposal, sponsored by Councillors Langsford, Talley, Brown, Moriarty Adams and Plowman, recognizes students of Warren Central High School for developing a website to promote Warren Township. Councillor Langsford read the proposal and presented copies of the document and Council pins to representatives. Allison Strothers, director of technology at Warren Central High School; Ruth Ann Walker, Warren Township Development Association; and David Auble, team leader, thanked the Council for the recognition. Councillor Langsford moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 251, 2005 was adopted by a unanimous voice vote.

Proposal No. 251, 2005 was retitled SPECIAL RESOLUTION NO. 39, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 39, 2005

A SPECIAL RESOLUTION recognizing students of Warren Central High School for developing a website to promote Warren Township.

WHEREAS, Warren Central High School seniors; David Auble, Anthony Drake, Kenneth Gootee and, Kyle Yates teamed up for a project in their Information Technology Business Technology Lab; and

WHEREAS, the students, along with assistance from Ms. Ruth Ann Walker, a Warren Township community activist, developed a website to promote the community where they reside and work; and

WHEREAS, it is the only website to showcase a township in Marion County that was completed by students; and

WHEREAS, the objective is to use the website as a marketing tool for commercial and residential developers, realtors, and existing businesses and to bring in new businesses and residents to Warren Township; and

WHEREAS, students worked on the project from August 17, 2004 - May 19, 2005 and garnered sponsorship from Warren Township Development Association, Community Health Network and, Indy Gov.; and

WHEREAS, E.com Technologies was so impressed by the students and their design that the company will continue to update and maintain the website after the students graduate high school; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the outstanding achievement of the students and their significant contribution to Warren Township.

SECTION 2. The Council extends its gratitude and appreciation to the students and those who helped the students and wishes them much success in future endeavors.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 252, 2005. The proposal, sponsored by Councillors Nytes, Gray and Abdullallah, recognizes the Indianapolis Museum of Art and the Eiteljorg Museum for their recent expansions. Councillor Nytes read the proposal and presented representatives with copies of the document and Council pins. Marsha Oliver, director of communications for the Indianapolis

*May 23, 2005*

Museum of Art, and Stan Hart, president of the board of directors for the Eiteljorg Museum, thanked the Council for the recognition. Councillor Nytes moved, seconded by Councillor Gray, for adoption. Proposal No. 252, 2005 was adopted by a unanimous voice vote.

Proposal No. 252, 2005 was retitled SPECIAL RESOLUTION NO. 40, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 40, 2005

A SPECIAL RESOLUTION recognizing the Indianapolis Museum of Art and the Eiteljorg Museum for their recent expansions.

WHEREAS, the Indianapolis Museum of Art (IMA) embarked in 2001 on a \$220 million expansion which will produce three distinct art experiences for visitors: an enhanced main museum complex featuring new acquisitions and major special exhibitions, a new 100 acre Art & Nature Park, and the restored former J.K. Lilly Jr. estate, Oldfields; and

WHEREAS, in May 2005 IMA completed the \$74 million main museum expansion which increased the facility to 492,000 square feet, making it one of the ten largest museums in the country; and

WHEREAS, the Eiteljorg Museum of American Indians and Western Art launched its \$40.7 million 'Eye on the Future' campaign in 1997 and will open its Mel and Joan Perelman Wing in June 2005 doubling the size of the museum; and

WHEREAS, the 45,000 square foot Perelman Wing addition will include new galleries, classrooms, a library, a technology lab, a café and gardens; and

WHEREAS, after 18 months of construction the Eiteljorg Museum will further its efforts to inspire an appreciation and understanding of the art, history and cultures of the American West and the indigenous people of North America; and

WHEREAS, the IMA and the Eiteljorg Museum enhance the cultural offerings in central Indiana and will contribute millions to the economy of Indianapolis; and

WHEREAS, these expansion projects were led by the private sector and are funded primarily from the private sector, greatly enriching the lives of the entire community; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the Indianapolis Museum of Art and the Eiteljorg Museum of American Indians and Western Art for their recent expansions and significant economic contributions to the City of Indianapolis.

SECTION 2. The Council extends its gratitude and appreciation to the leadership of these museums and wishes them much success in future endeavors.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 187, 2005. In Chairman Conley's absence, Councillor Moriarty Adams reported that the Public Works Committee heard Proposal No. 187, 2005 on May 5, 2005. The proposal, sponsored by Councillors Talley, Conley, Moriarty Adams and Gibson, appoints Greg Taylor to the Board of Public Works. By a 10-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Gibson, for adoption. Proposal No. 187, 2005 was adopted by a unanimous voice vote.

Proposal No. 187, 2005 was retitled COUNCIL RESOLUTION NO. 58, 2005, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 58, 2005

A COUNCIL RESOLUTION appointing Greg Taylor to the Board Of Public Works.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board Of Public Works, the Council appoints:

Greg Taylor

SECTION 2. The appointment made by this resolution is for a term ending on December 31, 2005 pursuant to Sec. 261-402 of the Revised Code of the Consolidated City and County. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 45, 2005. Councillor Mansfield reported that the Children's Health and Environment Committee heard Proposal No. 45, 2005 on several different occasions, including four public forums in various areas of the county. The proposal was returned to committee by the full Council on May 9, 2005 and heard again on May 19, 2005. The proposal, sponsored by Councillors Bowes, Talley, Mansfield and Keller, amends the Code by establishing nonsmoking areas. By a 6-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Mansfield moved, seconded by Councillor Bowes, for adoption.

Councillor Pfisterer said that she watched her father die of lung cancer and can therefore understand the concerns about second-hand smoke. However, she is opposed to the proposal mainly due to enforcement issues. She said that Health and Hospital Corporation only has 29 inspectors for 800,000 people and only one or two inspectors working weekdays on this particular issue. She said that she does not want to see law enforcement personnel being pulled from more important things to enforce this type of issue. She believes the ban is unenforceable.

Councillor Bowes said that the main purpose of this proposal is to protect the health of the community from this very dangerous activity. He said that the Marion County Health Department is only part of the enforcement. All code and building inspectors would be able to issue citations. This is expected to be a complaint-driven process and is like all other ordinance violations. It would be very rare for law enforcement personnel to be called in on such a matter.

Councillor Abdullah said that nothing is more important than the health of fellow citizens. Second-hand smoke kills 240 Marion County citizens each year, and there is no need to delay action on this issue any further.

Councillor Brown said that Councillors Mansfield and Bowes have done a great job getting information to all Councillors and this proposal will send a message to young people that smoking is harmful.

Councillor Schneider asked that a petition signed by over 300 people opposing the smoking ban be entered into the record. He asked where government intends to draw the line. He said that



many deaths can be related to other health issues, such as cholesterol and fatty foods. He asked where the government stops in regulating choices. He said that this is a conscious decision, and people can decide where to work or eat. He said that the government needs to stop legislating legal behaviors.

Councillor Keller said that many Hispanic citizens do not have the luxury of choosing where they can work, unfortunately. He said that he is confident that the Health Department and Chamber of Commerce will spread the word of this new legislation and he believes people will voluntarily comply, and excessive enforcement will not be needed.

Councillor Borst asked what the Health and Hospital Corporation's role is. Councillor Mansfield said that the Council does not have jurisdiction over the excluded cities, and in order for this to be county-wide, Health and Hospital would have to adopt a similar code. Councillor Borst asked if they then have the power to do that. Councillor Mansfield said that they do. Councillor Borst asked why they then have not done so. He said that there are still some bars and restaurants that would go under or take a big hit in profits, and he thinks some language still needs to be addressed.

Councillor Oliver said that the ordinance was introduced with very broad language and the input of the public was taken very seriously, and several compromises were made. He said, however, that some people want it all their way and do not want any compromise. He likened the issue to dumping in the White River, that affects more people than just the individual doing the dumping.

Councillor Mansfield said that the community has asked for this ban and worked hard to promote it. She said that this proposal would help to promote Indianapolis as a first-class city that protects the health of all its citizens.

Councillor Bowes thanked all who worked hard to make this happen and said that there were many personal stores shared and they need to do something now to stop this senseless killing.

Councillor Mahern said that while there are still some people unhappy with the outcome, a lot of time has been spent on this issue and many compromises made.

Proposal No. 45, 2005 was adopted on the following roll call vote; viz:

*18 YEAS: Abdullah, Bowes, Boyd, Brown, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Randolph, Sanders, Talley*  
*9 NAYS: Borst, Cain, Cockrum, Day, Pfisterer, Plowman, Salisbury, Schneider, Speedy*  
*0 NOT VOTING:*  
*2 ABSENT: Bradford, Conley*

Proposal No. 45, 2005 was retitled GENERAL ORDINANCE NO. 44, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 44, 2005

A GENERAL ORDINANCE amending the Code by establishing nonsmoking areas.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

**SECTION 1.** The "Revised Code of the Consolidated City and County" is amended by adding a new Chapter 616 to read as follows:

Chapter 616  
**NONSMOKING AREAS**

**Article I. IN GENERAL**

**Sec. 616-101. Findings and intent.**

The Council makes the following findings:

- (a) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of more than 38,000 Americans annually.
- (b) The Public Health Service's National Toxicology Program has listed secondhand smoke as a known human carcinogen.
- (c) Secondhand smoke kills 250 nonsmokers in Marion County each year. In 2002, at least \$16.7 million were spent for the hospitalization and health care of Marion County residents with secondhand smoke exposure-caused diseases.
- (d) In Marion County, the rate of lung cancer deaths is approximately 50% higher than the national lung cancer mortality rate. The rate of deaths from stroke and the percentage of people diagnosed with asthma are also higher than national averages and can be related to the persistent high prevalence of smoking and exposure to secondhand smoke in Marion County.
- (e) Secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics, and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer.
- (f) The U.S. Surgeon General has determined that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to secondhand smoke.
- (g) The Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are only capable of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke.
- (h) The Centers for Disease Control and Prevention has determined that the risk of acute myocardial infarction and coronary heart disease associated with exposure to tobacco smoke is nonlinear at low doses, increasing rapidly with relatively small doses such as those received from secondhand smoke or actively smoking one or two cigarettes a day, and has warned that all patients at increased risk of coronary heart disease or with known coronary artery disease should avoid all indoor environments that permit smoking.
- (i) The Americans With Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability.
- (j) A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function.
- (k) Smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, increased health insurance rates, and increased liability claims for diseases related to exposure to secondhand smoke.
- (l) A study of hospital admissions for acute myocardial infarction in Helena, Montana, before, during, and after a local law eliminating smoking in workplaces and public

places was in effect, has determined that laws to enforce smoke-free workplaces and public places may be associated with a reduction in morbidity from heart disease.

- (m) Accordingly, the Council finds and declares that the purposes of this ordinance are (1) to protect the public health and welfare by prohibiting smoking in public places, and places of employment; and (2) to guarantee the right of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.

**Sec. 616-102. Definitions.**

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section:

- (a) "Business" means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including, but not limited to, retail establishments where goods or services are provided to the public, and other entities where accounting, counseling, legal, medical, dental, engineering, architectural, or other professional services are delivered.
- (b) "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services.
- (c) "Employer" means a person, business, association, municipal corporation, trust, or nonprofit entity that employs the services of one or more individual employees.
- (d) "Enclosed Area" means all space closed in by a roof, ceiling, or other overhead covering of any material, and walls or other side coverings of any material on at least two sides with appropriate openings for ingress and egress.
- (e) "Health Care Facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. The term "Health Care Facility" shall include all waiting rooms, hallways, private rooms, semi private rooms, and wards within health care facilities.
- (f) "Place of Employment" means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles.
- (g) "Public Place" means an enclosed area, whether owned publicly or privately, to which the public is invited or in which the public is permitted.
- (h) "Retail Tobacco Store" means a retail store:
  - (1) utilized primarily for the sale of tobacco and tobacco-related products including, but not limited to, cigarettes, cigars, tobacco, pipes, cigarette paper, and lighters;
  - (2) that is not licensed for the consumption of meals or alcoholic beverages on the premises or operated in conjunction with another business that is licensed for the on-premises consumption of meals or alcoholic beverages; and
  - (3) in which the sale of tobacco and tobacco-related products accounts for not less than 66% of the store's gross sales.

"Retail Tobacco Store" does not include a tobacco department of a larger commercial establishment such as a grocery store, department store, or discount store.

- (i) "Shopping Mall" means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

- (j) "Smoking" means the carrying or holding of a lighted cigarette, cigar, pipe, or any other lighted smoking equipment, or the inhalation or exhalation of smoke from any lighted smoking equipment. "Smoking" does not include the burning of incense.
- (k) "Sports Arena" means sports pavilions, stadiums, athletic fields, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise or recreation, participate in athletic competition, or witness sports or other events.
- (l) "Tobacco bar" means a business that:
  - (1) offers alcoholic beverages for sale to customers for consumption on the licensed premises pursuant to a Type 210 retailer permit issued by the Indiana Alcohol & Tobacco Commission;
  - (2) does not admit customers or hire employees who are less than twenty-one (21) years old;
  - (3) generated ten percent (10%) or more of its total annual gross income from the on-site sale of tobacco products in the calendar year end.

## **Article II. SMOKING RESTRICTIONS**

### **Sec. 616-201. Prohibition of smoking in public places.**

Smoking shall be prohibited in all public places within Consolidated City including, but not limited to, the following places:

- (a) Elevators.
- (b) Health care facilities.
- (c) Laundromats.
- (d) Licensed child care and adult day care facilities.
- (e) Lobbies, hallways, and enclosed areas in the common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- (f) Polling places.
- (g) Public transportation facilities, including, but not limited to, buses and taxicabs under the authority of the city, the county, or the Indianapolis Public Transportation Corporation, and ticket, boarding, and waiting areas of public transit depots.
- (h) Restrooms, lobbies, reception areas, hallways, and other common-use areas.
- (i) Shopping malls.
- (j) Sports arenas.

### **Sec. 616-202. Prohibition of smoking in places of employment**

(a) Smoking shall be prohibited in all enclosed areas within places of employment within the Consolidated City.

(b) This prohibition on smoking shall be communicated to all existing employees by the effective date of this Chapter and to all prospective employees upon their application for employment.

### **Sec. 616-203. Prohibition of smoking in Indianapolis and/or Marion County owned facilities.**

Smoking shall be prohibited in all vehicles and enclosed areas in buildings owned, leased, or operated by the city or the county, or any of their offices, agencies, or departments if those vehicles or enclosed areas are used for any governmental function.

### **Sec. 616-204. Exceptions.**

- (a) The following areas shall be exempt from the provisions of Sections 616-201 through 616-203:
  - (1) Private residences, except when used as a licensed child care, adult day care, or health care facility.

- (2) Family-owned and operated businesses in which all employees are related to the owner, and offices of self-employed persons in which all employees are related to the self-employed person, but only if the enclosed areas these businesses and offices occupy are not open to the public.
- (3) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than twenty percent (20%) of rooms rented to guests in a hotel or motel may be so designated. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.
- (4) Retail tobacco stores.
- (5) Private and semi private rooms in nursing homes and long-term care facilities that are occupied by one (1) or more persons, all of whom have requested in writing to be placed in a room where smoking is permitted.
- (6) Any vehicle used by an employee while in the service of an employer when the vehicle is occupied only by that employee.
- (7) Any tobacco bar.
- (8) Any bowling alley.
- (9) Any bar or tavern that:
  - a. Holds a beer, liquor, or wine retailer's permit under the laws of this state;
  - b. Allows no customer to enter at any time who is under the age of eighteen (18);
  - c. Employs no person under the age of eighteen (18);
  - d. Is not physically located within a business otherwise required to be smoke free by this Chapter;
  - e. Has provided notice by sending notice to the Marion County Health Department as part of its annual application for a retail food establishment license; that it intends to allow smoking, intends to serve only customers over the age of eighteen (18), and that it is otherwise entitled to an exemption under this Section, provided however, that an election for this exemption may be made no more than once in a calendar year.
- (10) Any business that:
  - a. Is exempt from federal income taxation under 26 U.S.C. § 501(c);
  - b. Is a "club" as that term is defined by Ind. Code § 7.1-3-20-1, or a "fraternal club" as that term is defined by Ind. Code § 7.1-3-20-7;
  - c. Holds a beer, liquor, or wine retailer's permit under the laws of this state; and
  - d. Provides food or alcoholic beverages only to its bona fide members and their guests.

(b) None of the areas in the preceding subsection shall be exempt from the provisions of Sections 616-201 through 616-203 if the smoke from smoking enters any area where smoking is otherwise prohibited by this Chapter.

(c) Any business claiming an exemption pursuant to this Section shall provide to any enforcement agency listed in Section 616-401(a), within three (3) business days of demand, adequate written proof that it qualifies for the exemption claimed. Such written proof shall be certified under the penalties for perjury by an authorized representative of the business.

### **Article III. ADDITIONAL REQUIREMENTS**

#### **Sec. 616-301. Posting requirements.**

(a) All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by this Chapter by the owner, operator, manager, or other person having control of the area.

(b) Any establishment exempted from the Chapter under Section 616-205(a)(4), (7), (8) or (9) shall clearly and conspicuously post the following sign at every entrance: "Warning: This is a Smoking Establishment."

#### **Sec. 616-302. Nonretaliation.**

No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Chapter or reports or attempts to prosecute a violation of this Chapter.

**Article IV. VIOLATIONS AND ENFORCEMENT**

**Sec. 616-401. Enforcement.**

- (a) This Chapter shall be enforced by:
  - (1) the director of the Department of Metropolitan Development defined in Section 231-211, or the director's designee,
  - (2) the administrator of the division of compliance defined in Section 231-306,
  - (3) the administrator of the environmental services defined in Section 511-302,
  - (4) fire department personnel authorized to conduct fire inspections in accordance with Section 591-221, and
  - (5) the Administrator and building inspectors defined in Section 730-501.
- (b) Any citizen who desires to register a complaint under this Chapter may initiate enforcement with the Corporation Counsel defined in Section 202-101, or with the City Prosecutor referred to in Section 103-5.
- (c) An owner, manager, operator, or employee of an establishment regulated by this Chapter shall inform persons violating this Chapter of the appropriate provisions thereof and shall ask those persons to refrain from smoking.
- (d) For a bar or tavern that elects to be exempted under the provisions of Sec. 616-205(a)(8), it shall be the duty of the owner, manager, or operator to ensure that no persons under the age of eighteen (18) are allowed to enter, except as provided in that section.

**Sec. 616-402. Violations and penalties.**

- (a) A person who smokes in an area where smoking is prohibited by the provisions of this Chapter, or a person who owns, manages, operates, or otherwise controls a public place, place of employment, or other area where smoking is prohibited under this Chapter, and who fails to comply with the provisions of this Chapter shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau as provided in Article III of Chapter 103 of this Code for the first violation in a calendar year. All second and subsequent violations in a calendar year are subject to the enforcement procedures and penalties provided in section 103-3 of the Code, provided, however, that the minimum penalty for any subsequent violation shall be at least \$200.00.
- (b) In addition to the fines established by this Section, violation of this Chapter by a person who owns, manages, operates, or otherwise controls a public place, place of employment, or other area where smoking is prohibited by this Chapter may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.
- (c) Each day on which a violation of this Chapter occurs shall be considered a separate and distinct violation.

**Article V. INTERPRETATION**

**Sec. 616-501. Other applicable laws.**

This Chapter shall not be interpreted to permit smoking where it is otherwise restricted by other applicable laws. This Chapter shall not be interpreted to prohibit any property owner from imposing on his property any smoking ban that is more restrictive than this Chapter. Smoking shall be prohibited in any place in which a property owner posts a "No Smoking" sign.

**Sec. 616-502. Chapter to be broadly interpreted.**

This Chapter shall be construed broadly to effectuate the purposes described in Section 616-101(m).

**SECTION 2.** Section 103-52 of the "Revised Code of the Consolidated City and County" regarding the Ordinance Violations Bureau is amended by the addition of the following language:

"616-402	Violation of restrictions on smoking in certain areas	100.00"
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**SECTION 3.** This ordinance shall be in full force and effect beginning March 1, 2006 after adoption and compliance with IC 36-3-4-14.

## INTRODUCTION OF PROPOSALS

PROPOSAL NO. 237, 2005. Introduced by Councillors Mahern and Brown. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which a final resolution for Washington Pointe, L.P., in an amount not to exceed \$14,000,000, which is the construction of a new 248-unit apartment to be named "Washington Pointe Apartments" located at 10601 East 10th Street (District 21)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 238, 2005. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$1,100,746 in the 2005 Budget of the Marion County Auditor, Marion County Clerk, Voters Registration, Marion County Treasurer, Franklin Township Assessor, Marion County Prosecutor, Prosecutor's Child Support Division, Forensic Services Agency, Marion County Sheriff, Community Corrections, Marion Circuit Court, Marion County Justice Agency, Marion Superior Court, and Guardian Home (County General Fund) to bring Marion County employees up to minimum salary grade"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 239, 2005. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$2,542,156 in the 2005 budget of the Election Board (Help America Vote Act Fund) for voting machine refinancing and Election Systems and Software litigation"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 240, 2005. Introduced by Councillor Bowes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$40,000 in the 2005 Budget of the Marion County Children's Guardian Home (County General Fund) to transfer funds to bring director's salary into compliance with fiscal ordinance and to increase social worker to full time status"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 241, 2005. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of limited recourse notes of the Redevelopment District of the City of Indianapolis, Indiana for the purpose of paying the cost of redevelopment, including acquisition of certain property and the construction of certain infrastructure improvements, in the Fall Creek/Citizens Consolidated Redevelopment Area and approves other matters related thereto"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 242, 2005. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the zoning ordinance to authorize certain law enforcement officers to carry out inspections relating to the enforcement of zoning ordinances and land use regulations; to restrict locations for recreational vehicle parking and storage in dwelling districts; to clarify the definition of inoperable vehicle and recreational vehicle; to clarify the fencing requirement for swimming pools and hot tubs, to eliminate screening requirements for swimming pools and hot tubs and to update state statute citations"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 243, 2005. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$10,500 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) for interpreter services, funded by a grant from the State of Indiana, Indiana Supreme Court, Foreign Language

Interpreter Grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 244, 2005. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$15,047 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to transfer Salaries to Supplies and Other Services and Charges to provide for expenses for Drug Treatment"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 245, 2005. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$61,523 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to close out Juvenile Accountability Incentive Block Grant IV and V and to pay remaining expenses"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 246, 2005. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$516 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to transfer Salaries to Other Services and Charges to provide bus passes for Community Work Services Crew"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 247, 2005. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$1,806 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to move supply money from Community Court grant to allow re-posting of operating expense"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 248, 2005. Introduced by Councillors Boyd and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$60,000 in the 2005 Budget of the Community Corrections Agency (State and Federal Grants Fund) to pay for facilitation services as criminal justice officials redesign the Juvenile Justice System, funded by a grant from the Department of Corrections"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 249, 2005. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$420,000 in the 2005 Budget of the Public Defender Agency (County General Fund) to transfer funds to cover supply costs and increased costs for death penalty cases"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 253, 2005. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which increases the stormwater user fee"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 254, 2005. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the intersection of 61st Street and Burlington Avenue at Hillside Avenue West Drive (District 3)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 255, 2005. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the



intersection of Periwinkle Way and Spindrift Lane (District 4)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 256, 2005. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Capitol Avenue near 32nd Street (District 8)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 257, 2005. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of Fleming Street and Henry Street (District 14)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 258, 2005. Introduced by Councillors Talley, Boyd, Borst and Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which increases the tax rates of the county food and beverage tax, the county admissions tax, the county supplemental auto rental excise tax, and the county innkeeper's tax, all as authorized by statute"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 259, 2005. Introduced by Councillors Gray and Talley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Robert J. Shula to the Metropolitan Development Commission "; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 260, 2005. Introduced by Councillors Gray and Talley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Kent Burrow to the Cable Franchise Board"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 266, 2005. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Capitol Avenue near 32nd Street (District 8)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 267, 2005. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$14,697 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to transfer surplus funds in Character 01 to fund self-help materials for crime victims, training for advocates and operation expenses for the Victim Advocate Unit of the Prosecutor's Office"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 268, 2005. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$3,920 in the 2005 Budget of Marion County Prosecutor (State and Federal Grants Fund) to fund additional transportation passes to be used by domestic violence victims served by the Salvation Army Social Service Center, funded by a grant from Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 269, 2005. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$7,058 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to replace audio/visual equipment, upgrade of recording systems and wiring in six (6) child interview rooms at the Child

Advocacy Center"; and the President referred it to the Public Safety and Criminal Justice Committee.

### **SPECIAL ORDERS - UNFINISHED BUSINESS – PUBLIC HEARING**

PROPOSAL NO. 133, 2005. The proposal, sponsored by Councillor Mahern, is a rezoning ordinance for Warren Township, Councilmanic District 21, 9135 East Raymond Street (approximate address) (2004-ZON-123) (2004-DP-008).

General Counsel Aaron Haith stated that Proposal No. 133, 2005 was called out for a public hearing by Councillor Langsford on March 21, 2005 and was postponed twice by the full Council. He reviewed the procedures for a public hearing on a rezoning matter.

Councillor Langsford explained the project and said that the current comprehensive land use plan does not support this project, as it calls for low density and no commercial use.

Thomas Michael Quinn, attorney for the petitioner MI Homes, stated that this case began early last fall. He said that Councillor Langsford has been a gentleman and very professional throughout this process, and he appreciates that. He said that this property, located at the southeast corner of Post Road and Raymond Street, has been non-developed for many years. There are over 3,000 homes built in this area and all or starter homes, with a density of 340 units per acre. The developer for this project has committed to no more than 118 units per acre. The developer has also made several commitments regarding retail, public streets, and sidewalks. He said that these are \$175,000 homes, which are at or above the normal market for this area. The Department of Metropolitan Development (DMD) staff supports the project, as the existing comprehensive plan was adopted 14 years ago, before an auto auction, new schools and 3,000 new homes were added to the area. He said that the nearest commercial property is on Brookville Road, and commercial is needed in this area. He said that they have made many commitments with regard to commercial uses, including prohibiting 26 uses. MI Homes is a quality builder and always produces quality projects. He said that they had one two-hour meeting with the remonstrators, and then the second meeting was cancelled by the remonstrators.

Jennifer Nichols, president of the Greater Troy Neighborhood Association, said that she represents over 350 homes in this area. The Metropolitan Development Commission (MDC) awarded the variance to the petition by a vote of 4-3, in total disregard for the comprehensive plan. Many citizens are frustrated because they attend numerous public meetings to develop a comprehensive plan, and then this plan is disregarded time and time again by the MDC. She said that all of the surrounding residents oppose this project, and these people bought their homes because they wanted to live in a residential, non-commercial area.

Jack Hensley, president of the Raymond Park Neighborhood Association, said that the new proposed comprehensive plan also designates this area as low density and does not recommend any commercial development. Therefore, the petitioner's reference to a 14-year-old comprehensive plan is not valid. He said that many commercial properties on the east side have been shut down and failed, and how can they expect that this strip mall will succeed. He said that there are no sidewalks from any of the communities to lead to the shopping area and traffic is on the increase, making it unsafe.

Norman Pace, land use chairman of the Marion County Alliance of Neighborhood Associations (MCANA), read a letter from president Cathy Burton, and stated that MCANA opposes the project because of the commercial use component. Both the past and newly proposed land use

plan indicates a strong objection to commercial use at this site. He said that more and more petitions are being approved contrary to the comprehensive plan. The proposed residential density of the project is 63% greater than that recommended by the land use plan and is out of character with the surrounding residential properties.

Reverend Pamela M. Pinkney, citizen, stated that children and senior citizens have not been considered in this project and this affects their social and financial status and future goals, as well as investments by seniors.

Mr. Quinn said that the DMD staff looks at more than just the comprehensive plan when making recommendations. He said that this is a reasonable development in line with the growth in this area. He said that MI Homes has the lowest foreclosure rates and they know what they are doing. He said that the petitioner worked with the Warren Township Development Association (WTDA) to eliminate 26 commercial uses at this site, and another developer may not be so accommodating.

John Sweezy, Jr., president of the WTDA, stated that these commitments were already in place, and there were no new compromises made. He said that WTDA is still against any commercial use on this site.

Councillor Gibson asked about the value of surrounding homes and median income. Ms. Nichols said that the surrounding homes are owned by police officers and schoolteachers, with homes valued at approximately \$130,000 in need of improvements. Councillor Gibson asked what broke down during negotiations. Ms. Nichols said that the petitioner was only willing to negotiate on the aspect of sidewalks, and they would not negotiate on the density or the commercial. Mr. Quinn said that there have been on-going negotiations since last fall, and the petitioner put in the best proposal from the beginning. He said that meetings were held, and only two neighborhood people came, Mr. Pace and Mr. Hensley. He said that they asked him to relay the neighborhood's wishes to the developer, and then attend another meeting, and then the subsequent meeting was called off.

Councillor Abdullah asked if anyone from the DMD staff can speak to the references to the comprehensive plan and deviation from it. Larry Williams, DMD Current Planning Division, said that the comprehensive plan is definitely considered, but the staff also considers the surrounding area and other developments, and they felt the transition in the area warranted deviation from the exiting plan.

Councillor Langsford said that he spoke with Dennis Slaughter, one of the Warren Township planners, and neither the current nor the proposed plan calls for any commercial development in this area. He encouraged fellow Councillors to support the neighborhood associations and deny this petition. He said that going against the comprehensive plan sends the message to the public that their participation in formulating the plan is not appreciated or taken into consideration.

President Talley stated that a "yea" vote will uphold the MDC's decision to grant the petitioner a zoning variance, and a "nay" vote will overturn that decision and deny the petition. He said that 18 votes are needed to overturn the MDC's decision. The MDC's decision was overturned, and Proposal No. 133, 2005 failed on the following roll call vote; viz:

*3 YEAS: Gibson, Mahern, Talley*

*24 NAYS: Abdullallah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Day, Franklin, Gray, Keller, Langsford, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy*

*0 NOT VOTING:*

*2 ABSENT: Bradford, Conley*

### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 261, 2005. The proposal, sponsored by Councillor Gibson, approves the Indianapolis Marion County Public Library Capital Projects Fund Plan. Councillor Gibson reported that the Municipal Corporations Committee heard the plan on May 16, 2005. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor McWhirter asked why this proposal was heard in Committee before it was introduced and assigned a number. Mr. Haith explained that this is a statutory procedure and this proposal simply accepts or rejects the plan offered. The statute allows for a public hearing to be advertised at the Committee level, which was done.

Councillor Nytes urged Councillors to support the proposal, as most governmental units already have these funds and it is a cost-effective mechanism to make improvements and the best use of tax dollars.

Councillor Borst said that the proposal does not indicate any particulars of the plan and he believes there could be a better way of funding. Councillor Gibson said that the Committee fully reviewed the plan and the plan was attached to the minutes of that meeting.

Councillor Schneider asked if this will affect tax rates. Councillor Gibson said that the tax rate is the same, and but this new funding plan will save \$600,000 in fees.

Councillor Nytes said that two weeks ago, Councillors received a packet outlining the spending by the library, and this is in compliance with state law.

Councillor Keller asked if these are new capital projects ore mostly repairs. Councillor Gibson said that they are mostly renovations. Councillor Keller said that this funding is for maintaining what is already there and does not build new libraries.

Councillor Gibson moved, seconded by Councillor Sanders, for adoption. Proposal No. 261, 2005 was adopted on the following roll call vote; viz:

*26 YEAS: Abdullallah, Bowes, Boyd, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

*1 NAY: Borst*

*0 NOT VOTING:*

*2 ABSENT: Bradford, Conley*

Proposal No. 261, 2005 was retitled GENERAL RESOLUTION NO. 3, 2005, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 3, 2005

A PROPOSAL FOR A GENERAL RESOLUTION to approve the Indianapolis Marion County Public Library's Capital Projects Fund Plan.

WHEREAS, the Municipal Corporations Committee held a public hearing on the Library Capital Projects Fund Plan on May 16, 2005 as required by Indiana Code § 20-14-13-6 and Indiana Code § 36-3-4-13(b); and

WHEREAS, the committee accepted the plan as accurate and thorough and recommends its approval to the full Council; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council, pursuant to Indiana Code § 20-14-13-6 (b), hereby approves the Indianapolis Marion County Public Library Capital Projects Fund Plan as provided to members of the Municipal Corporations Committee and which remain on file with the Clerk of the Council.

SECTION 2. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

PROPOSAL NO. 262, 2005 and PROPOSAL NOS. 263-265, 2005. Introduced by Councillor Mahern. Proposal No. 262, 2005 and Proposal Nos. 263-265, 2005 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on May 13, 2005. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 62-65, 2005, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 62, 2005.

2004-ZON-862

10 WEST 61<sup>ST</sup> STREET AND 11 EAST 61<sup>ST</sup> STREET (Approximate Addresses),  
INDIANAPOLIS

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #3.

SAINT PAUL'S EPISCOPAL CHURCH, by Thomas Michael Quinn, requests a rezoning of 3.2 acres, being in the D-2 (FF) and D-4 (FF) Districts, to the SU-1 (FF) classification to provide for religious uses.

REZONING ORDINANCE NO. 63, 2005.

2004-ZON-158

7614 SOUTH ARLINGTON AVENUE (Approximate Address), INDIANAPOLIS

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT #25.

K.C.S. PROPERTIES, LLC., by Michael J. Kias, requests a rezoning of 61.59 acres, being in the D-A District, to the D-3 classification to provide for residential development.

REZONING ORDINANCE NO. 64, 2005.

2004-ZON-172

1402 AND 1430 NORTH CAPITOL AVENUE, (Approximate Addresses), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #15.

1402 ASSOCIATES, LLC, by Brian J. Tuohy, requests a rezoning of 1.85 acres, being in the C-1 (W-5) and I-3-U (W-5) Districts, to the C-3 (W-5) classification to provide for retail use and surface parking.

REZONING ORDINANCE NO. 65, 2005.

2005-ZON-048

2103 HOBART ROAD (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #20.

FREDDIE AND KATHLEEN HATCHER request a rezoning of 2.36 acres, being in the C-4 and D-4 Districts, to the C-4 classification to provide for commercial uses.

### **SPECIAL ORDERS - PUBLIC HEARING**

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 183, 185, 213 and 214, 2005 on May 11, 2005. She asked for consent to hear these proposals together. Consent was given.

PROPOSAL NO. 183, 2005. The proposal, sponsored by Councillor Borst, approves an increase of \$288,530 in the 2005 Budget of Marion Superior Court (State and Federal Grants Fund) to pay for salaries for Drug Treatment Court, funded by a grant from Indiana Criminal Justice Institute. PROPOSAL NO. 185, 2005. The proposal, sponsored by Councillor Borst, approves an increase of \$496,380 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to provide funds for Marion Superior Court staff, Public Defender staff, and Prosecutor salaries, funded by a Young Offenders Grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 213, 2005. The proposal, sponsored by Councillor Moriarty Adams, approves an increase of \$302,216 in the 2005 budget of the Metropolitan Emergency Communications Agency (Emergency Telephone System Fund) to purchase 20 additional MapStar Licenses. PROPOSAL NO. 214, 2005. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves an increase of \$10,000 in the 2005 Budget of the Marion County Sheriff's Department (State and Federal Grants Fund) to reimburse overtime for five (5) officers that work the Organized Crime Drug Task Force (OCDETF), funded by a grant from the Federal Bureau of Investigations Organized Crime Drug Enforcement Task Force. By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Talley called for public testimony at 10:03 p.m.

Reverend Pinkney said that this city seeks incarceration over education and salvation. He said that the drug treatment programs they have are not working and recidivism is overwhelming.

There being no further testimony, Councillor Moriarty Adams moved, seconded by Councillor Borst, for adoption.

Proposal Nos. 183, 185, 213 and 214, 2005 were adopted on the following roll call vote; viz:

*27 YEAS: Abdullallah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

*0 NAYS:*

*2 ABSENT: Bradford, Conley*

Proposal No. 183, 2005 was retitled FISCAL ORDINANCE NO. 59, 2005, and reads as follows:

#### **CITY-COUNTY FISCAL ORDINANCE NO. 59, 2005**

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating an additional Two Hundred Eighty-eight Thousand Five Hundred Thirty Dollars (\$288,530) in the State and Federal Grant Fund for purposes of the Marion Superior Court and reducing the unappropriated and unencumbered balance in the County Grants Fund.

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BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (f) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to pay for salaries for Drug Treatment Court .

SECTION 2. The sum of an additional Two Hundred Eighty-eight Thousand Five Hundred Thirty Dollars (\$288,530) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	261,902
3. Other Services and Charges	26,628
TOTAL INCREASE	288,530

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	288,530
TOTAL REDUCTION	288,530

SECTION 5. Local match of \$96,177 is funded by the following existing appropriations:

<u>PUBLIC DEFENDER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	52,523

<u>MARION SUPERIOR COURT</u>	<u>DRUG FREE COMMUNITY FUND</u>
1. Personal Services	35,000

<u>MARION COUNTY COMMUNITY CORRECTIONS</u>	<u>DEPARTMENT OF CORRECTIONS GRANT</u>
1. Personal Services	2,750
3. Other Services and Charges	5,904
TOTAL MATCH	\$96,177

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 185, 2005 was retitled FISCAL ORDINANCE NO. 60, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 60, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating an additional Four Hundred Ninety-six Thousand Three Hundred Eighty Dollars (\$496,380) in the State and Federal Grants Fund for purposes of the Marion Superior Court and reducing the unappropriated and unencumbered balance in the County Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (f) of the City-County Annual Budget for 2005 be, and is hereby, amended by

the increases and reductions hereinafter stated for purposes of the Marion Superior Court to provide funds for Marion Superior Court staff, Public Defender staff, and Prosecutor salaries.

SECTION 2. The sum of an additional Four Hundred Ninety-six Thousand Three Hundred Eighty Dollars (\$496,380) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	433,453
3. Other Services and Charges	<u>62,927</u>
TOTAL INCREASE	496,380

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>496,380</u>
TOTAL REDUCTION	496,380

SECTION 5. Local match of \$165,460 is funded by the following existing budget appropriations:

<u>MARION SUPERIOR COURT</u>	
3. Other Services and Charges	\$64,209
<u>PUBLIC DEFENDER AGENCY</u>	
1. Personal Services	\$60,775
3. Other Services and Charges	<u>40,476</u>
TOTAL MATCH	\$165,460

SECTION 6. Except to the extent of matching funds approved in this ordinance, the Council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 213, 2005 was retitled FISCAL ORDINANCE NO. 61, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 61, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 135, 2004) appropriating an additional Three Hundred Two Thousand Two Hundred Sixteen Dollars (\$302,216) in the MECA Emergency Telephone System Fund for purposes of the Metropolitan Emergency Communications Agency and reducing the unappropriated and unencumbered balance in the MECA Emergency Telephone System Fund

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Metropolitan Emergency Communications Agency to purchase 20 additional MapStar Licenses.

SECTION 2. The sum of additional Three Hundred Two Thousand Two Hundred Sixteen Dollars (\$302,216) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.



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SECTION 3. The following additional appropriation is hereby approved:

<u>METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY</u>	<u>EMERGENCY TELEPHONE SYSTEM FUND</u>
3. Other Services and Charges	<u>302,216</u>
TOTAL INCREASE	302,216

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>EMERGENCY TELEPHONE SYSTEM FUND</u>	<u>EMERGENCY TELEPHONE SYSTEM FUND</u>
Unappropriated and Unencumbered	
Emergency Telephone System Fund	<u>302,216</u>
TOTAL REDUCTION	302,216

SECTION 5. The projected December 31, 2005, fund balance for the MECA Emergency Telephone System Fund is as follows:

Current cash balance 03-31-05	3,020,118
Anticipated additional revenue through December 31, 2005	<u>1,220,862</u>
Projected funds available	4,240,980
Remaining appropriations and encumbrances	1,232,438
Proposed additional appropriation	<u>302,216</u>
Funds required	1,535,654
Projected fund balance December 31, 2005	2,705,326

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 214, 2005 was retitled FISCAL ORDINANCE NO. 62, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 62, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) appropriating an additional Ten Thousand Dollars (\$10,000) in the State and Federal Grants Fund for purposes of the Marion County Sheriff's Department and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (f) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to reimburse overtime for five (5) officers that work the Organized Crime Drug Task Force (OCDETF)

SECTION 2. The sum of an additional Ten Thousand Dollars (\$10,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>9,235</u>
1. Personal Services-fringes	<u>765</u>
TOTAL INCREASE	10,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>10,000</u>
TOTAL REDUCTION	10,000

SECTION 5. No local match

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 210, 2005. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 210, 2005 on May 17, 2005. The proposal, sponsored by Councillor Talley, approves a transfer of \$43,352 in the 2005 Budget of the Marion County Surveyor (Surveyor Corner Perpetuation Fund) to transfer Character 04 (Capital Outlay) funds to Character 02 (Supplies) and Character 03 (Other Services and Charges) to provide fuel, surveying supplies, contractual service and vehicle repairs. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Sanders moved, seconded by Councillor Nytes, for adoption. Proposal No. 210, 2005 was adopted on the following roll call vote; viz:

*25 YEAS: Abdullallah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Day, Franklin, Gray, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

*0 NAYS:*

*2 NOT VOTING: Gibson, Keller*

*2 ABSENT: Bradford, Conley*

Proposal No. 210, 2005 was retitled FISCAL ORDINANCE NO. 63, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 63, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 137, 2004) transferring and appropriating an additional Forty-three Thousand Three Hundred Fifty-two Dollars (\$43,352) in the Surveyor Corner Perpetuation Fund for purposes of the Marion County Surveyor and reducing certain other appropriations from Marion County Surveyor.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(F) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Surveyor to transfer Character 04, Capital Outlay, funds to Character 02, Supplies, and Character 03, Other Services and Charges, to provide fuel, surveying supplies, contractual service and vehicle repairs.

SECTION 2. The sum of additional Forty-three Thousand Three Hundred Fifty-two Dollars (\$43,352) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY SURVEYOR</u>	<u>CORNER PERPETUATION FUND</u>
2. Supplies	16,771
3. Other Services and Charges	<u>26,581</u>
TOTAL INCREASE	43,352

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SECTION 4. The said increased appropriation is funded by the following reductions:

MARION COUNTY SURVEYOR  
4. Capital Outlay  
TOTAL DECREASE

CORNER PERPETUATION FUND  
43,352  
43,352

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 212, 2005. Councillor Gray reported that the Parks and Recreation Committee heard Proposal No. 212, 2005 on May 12, 2005. The proposal, sponsored by Councillors Gray and Cockrum, approves certain public purpose grants totaling \$1,625,000 for the support of the arts. By a 5-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Cockrum said that he has served on the Parks Committee for several years, and these grants have always been approved in the budget. However, the City Controller has recently requested that the Parks budget be cut back 15%, yet it has not been identified which entities will be cut. He said that he would like to see the proposal returned to committee to examine where \$245,000 can be cut most efficiently. He moved, seconded by Councillor Schneider, to return Proposal No. 212, 2005 to committee.

Councillors Nytes and Gray spoke in opposition of returning the proposal to committee.

Councillor Oliver said that this amendment was already offered and rejected at the committee level, and this communication from the Controller was for cuts needed in future budgets.

Councillor Gibson said that this conversation took place in committee. He said that while he respects the need to be fiscally responsible, no cuts should be made in public safety or economic development initiatives. This is an economic development initiative, as the arts are beneficial to drawing business to the city.

Councillor Schneider said that there has been a lot of talk from the Mayor's office about layoffs and cuts and all expenditures need to be looked at across the board. He said that they are asking departments to cut non-essential services, and he supports returning this proposal to committee to cut 15% of this funding.

Councillor Cain said that these dollars are already in the budget and the Council should honor their promises to these arts organizations and look instead at future savings and cuts that can be made in next year's budget.

Councillor Keller said that Forbes Magazine lists Indianapolis as the 33<sup>rd</sup> top city for business expansion, and in order to compete, there needs to be a vibrant and diverse arts community. Now is not the time to cut these dollars, and the Council should proceed with their commitments.

Councillor Mahern said that arts bring more money back into the community and is worth the money spent.

The motion to return Proposal No. 212, 2005 to committee failed on the following roll call vote;  
viz:

*8 YEAS: Borst, Cockrum, Day, McWhirter, Plowman, Salisbury, Schneider, Speedy*  
*19 NAYS: Abdullah, Bowes, Boyd, Brown, Cain, Franklin, Gibson, Gray, Keller, Langsford,*  
*Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Sanders, Talley*  
*0 NOT VOTING:*  
*2 ABSENT: Bradford, Conley*

Councillor Gray moved, seconded by Councillor Boyd, for adoption. Proposal No. 212, 2005 was adopted on the following roll call vote; viz:

*24 YEAS: Abdullah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Day, Franklin, Gibson,*  
*Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver,*  
*Pfisterer, Randolph, Salisbury, Sanders, Talley*  
*3 NAYS: Plowman, Schneider, Speedy*  
*0 NOT VOTING:*  
*2 ABSENT: Bradford, Conley*

Proposal No. 212, 2005 was retitled GENERAL RESOLUTION NO. 4, 2005, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 4, 2005

PROPOSAL FOR A GENERAL RESOLUTION approving certain public purpose grants totaling \$1,625,000 for the support of the arts.

WHEREAS, the City-County Council of the Consolidated City of Indianapolis and Marion County, Indiana ("City-County Council") appropriated the sum of One Million Six Hundred Twenty-five Thousand Dollars (\$1,625,000) in Section 4-I of City-County Fiscal Ordinance No. 132, 2005, Annual Budget of the Consolidated City of Indianapolis (Budget Ordinance) for funding arts grants to be made by the Arts Council of Indianapolis and provided that such grants shall be considered public purpose local grants; and

WHEREAS, Section 4-C and D of the Budget Ordinance requires that sums appropriated therein for public purpose local grants shall not be spent until the City-County Council approves the amount and identity of the recipient of each grant; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The following grants and administrative expenses totaling One Million Six Hundred Twenty-five Thousand Dollars (\$1,625,000) for support of the arts is approved in the following amounts for the following organizations:

**Arts Council of Indianapolis**  
**2005 Annual Grants Program**  
***Funded by the City of Indianapolis***  
**ARTS ORGANIZATION SUPPORT:**  
**marketing, arts education, community outreach programs**

<b>Organization Name</b>	<b>Grant</b>
American Pianists Association	\$ 32,000.00
American Theatre Organ Society	\$ 1,000.00
Art With a Heart, Inc.	\$ 4,000.00
Asante Children's Theatre	\$ 3,000.00
Ballet Internationale-Indianapolis	\$ 20,000.00
Bands of America, Inc.	\$ 26,000.00
Beckmann Theatre	\$ 2,000.00
Buselli Wallarab Jazz Orchestra	\$ 7,000.00
Children's Museum of Indianapolis	\$ 85,000.00

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Children's Theatre Institute, Inc.	\$ 8,000.00
Clowes Memorial Hall	\$ 39,000.00
Dance Kaleidoscope, Inc.	\$ 53,000.00
Eiteljorg Museum	\$ 85,000.00
Ensemble Music Society of Indianapolis	\$ 3,000.00
Etheridge Knight Inc.	\$ 2,000.00
Festival Music Society of Indiana, Inc.	\$ 7,000.00
Fine Arts Society of Indianapolis	\$ 6,000.00
Footlite Musicals, Inc.	\$ 4,000.00
Freetown Village, Inc.	\$ 36,000.00
Gregory Hancock Dance Theatre	\$ 15,000.00
Harrison Center for the Arts	\$ 8,000.00
Heartland Film Festival	\$ 22,000.00
Hoosier Salon Patrons Association, Inc.	\$ 9,000.00
Indiana Repertory Theatre	\$ 75,000.00
Indianapolis Art Center	\$ 60,000.00
Indianapolis Arts Chorale	\$ 10,000.00
Indianapolis Baroque Orchestra	\$ 3,000.00
Indianapolis Chamber Orchestra	\$ 42,000.00
Indianapolis Children's Choir	\$ 31,000.00
Indianapolis Civic Theatre	\$ 46,000.00
Indianapolis Museum of Art	\$ 85,000.00
Indianapolis Museum of Contemporary Art	\$ 3,000.00
Indianapolis Opera	\$ 70,000.00
Indianapolis Symphonic Band, Inc.	\$ 9,000.00
Indianapolis Symphonic Choir	\$ 25,000.00
Indianapolis Symphony Orchestra	\$ 85,000.00
IndyChoruses	\$ 3,000.00
InterAction Theatre, Inc.	\$ 2,000.00
International Violin Competition of Indianapolis	\$ 47,000.00
National Art Museum of Sport	\$ 1,000.00
New World Youth Orchestras	\$ 8,000.00
Philharmonic Orchestra of Indianapolis	\$ 14,000.00
Phillips Music Guild of Indianapolis	\$ 2,000.00
Phoenix Theatre	\$ 41,000.00
Pike Performing Arts Center	\$ 6,000.00
Ronen Chamber Ensemble	\$ 3,000.00
ShadowApe Theatre Company, Inc.	\$ 5,000.00
Storytelling Arts of Indiana	\$ 28,000.00
Susurrus	\$ 3,000.00
Urban Arts of Indianapolis, Inc.	\$ 12,000.00
VSA arts of Indiana	\$ 49,000.00
Young Audiences of Indiana	\$ 60,000.00

**COMMUNITY ARTS PROJECTS:  
funding for specific arts-related programs and activities**

<b>Organization Name</b>	<b>Grant</b>
African Community International, Inc.	\$ 5,000.00
Boys & Girls Club - Lilly Unit	\$ 3,000.00
Brookside Elementary School, IPS 54	\$ 1,000.00
Dyslexia Institute of Indiana	\$ 3,000.00
Friends of Holliday Park	\$ 5,000.00
Indiana Black Expo, Inc.	\$ 22,000.00
Indiana Historical Society	\$ 11,000.00
Indianapolis Chinese Community Center, Inc.	\$ 6,000.00
Indpls-Marion Co. Public Library Foundation	\$ 8,000.00
International Center of Indianapolis	\$ 16,000.00
Jewish Community Center, Cultural Arts Dept	\$ 3,000.00
Metropolitan Indpls Public Broadcasting (WFYI)	\$ 48,000.00
Nationalities Council of Indiana	\$ 4,000.00
Nicholson Performing Arts Academy at IPS 70	\$ 5,000.00
President Benjamin Harrison Foundation	\$ 4,000.00
YMCA of Greater Indianapolis	\$ 8,000.00
<b>Total:</b>	<b>\$ 1,457,000.00</b>

**Arts Council of Indianapolis  
Distribution of 2005 City Arts Funding**

2005 Grant Recommendations (see attached list of grant recipients)	\$1,457,000
Mini Grant Program (awarded: summer 2005)	\$20,000
Technical Assistance Grants (see attached list of 2005 grant recommendations to date)	\$48,000
Adjudication and Panel Costs	\$10,000
Administration of Grants Program, Contracts, Resource Guides, Audits, Workshops, Processing, Printing, and Promotion of Grants	\$90,000
<b>Total of 2005 Arts Funding as Line Item through Indy Parks and Recreation</b>	<b>\$1,625,000</b>

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

In Chairman Conley's absence, Councillor Moriarty Adams reported that the Public Works Committee heard Proposal Nos. 215-227, 2005 on May 19, 2005. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 215, 2005. The proposal, sponsored by Councillor Bowes, authorizes intersection controls for the Wood Creek Subdivision, Sections 1 and 2 (District 7). PROPOSAL NO. 216, 2005. The proposal, sponsored by Councillor Nytes, authorizes parking restrictions on College Avenue near Fairfield Avenue (District 9). PROPOSAL NO. 217, 2005. The proposal, sponsored by Councillor Salisbury, authorizes intersection controls for the Country Meadows Subdivision (District 13). PROPOSAL NO. 218, 2005. The proposal, sponsored by Councillor Abdullah, authorizes a one-way restriction for Harding Street between New York Street and White River Parkway West Drive (District 15). PROPOSAL NO. 219, 2005. The proposal, sponsored by Councillor Brown, authorizes intersection controls for the intersection of Galaxy Lane and Morningstar Drive (District 18). PROPOSAL NO. 220, 2005. The proposal, sponsored by Councillor Langsford, authorizes intersection controls for the Willow Lakes Subdivision, Section 3 (District 21). PROPOSAL NO. 221, 2005. The proposal, sponsored by Councillor Langsford, authorizes intersection controls for the Woodsong Subdivision, Sections 1 & 2 (District 21). PROPOSAL NO. 222, 2005. The proposal, sponsored by Councillor Borst, authorizes parking restrictions on Orchard Village Drive near Stop 11 Road (District 23). PROPOSAL NO. 223, 2005. The proposal, sponsored by Councillor Plowman, authorizes intersection controls for the Greythorne Subdivision, Section 1 (District 25). PROPOSAL NO. 224, 2005. The proposal, sponsored by Councillor Plowman, authorizes intersection controls for the Carriage Court Subdivision, Section 3 (District 25). PROPOSAL NO. 225, 2005. The proposal, sponsored by Councillor Plowman, authorizes intersection controls for the Adler Grove Subdivision, Section 2 (District 25). PROPOSAL NO. 226, 2005. The proposal, sponsored by Councillor Plowman, authorizes intersection controls for the Adler Grove Subdivision, Section 1 (District 25). PROPOSAL NO. 227, 2005. The proposal, sponsored by Councillor Plowman, authorizes intersection controls for the Wildcat Run Subdivision, Section 7 (District 25). By 9-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Moriarty Adams moved, seconded by Councillor Plowman, for adoption. Proposal Nos. 215-227, 2005 were adopted on the following roll call vote; viz:

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23 YEAS: *Abduallah, Borst, Bowes, Boyd, Cain, Cockrum, Day, Franklin, Gibson, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Pfisterer, Plowman, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

4 NOT VOTING: *Brown, Gray, Oliver, Randolph*

2 ABSENT: *Bradford, Conley*

Proposal No. 215, 2005 was retitled GENERAL ORDINANCE NO. 45, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 45, 2005

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9	Pike Creek Blvd 52 <sup>nd</sup> St	52 <sup>nd</sup> St	Stop
16	Angelique Dr Pine Creek Blvd	Pine Creek Blvd	Stop
16	Angelique Dr Prairie Rose Ln	Angelique Dr	Stop
16	Angelique Dr Pike Creek Ln	Pike Creek Ln	Stop
16	Bethel Rd Prairie Rose Ln	Bethel Rd	Stop
16	Pike Creek Blvd Pike Creek Ln	Pike Creek Ln	Stop
16	Pike Creek Blvd Yorkbend Ct	Pike Creek Blvd	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 216, 2005 was retitled GENERAL ORDINANCE NO. 46, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 46, 2005

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets and Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the deletion of the following, to wit:

*Journal of the City-County Council*

College Avenue, on the West Side, from  
Fairfield Avenue to a point 100 feet north of Fairfield Avenue

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours, be and the same is hereby amended by the deletion of the following, to wit:

**ON ANY DAY  
EXCEPT SATURDAY AND SUNDAY  
FROM 6:00 A.M. to 9:00 A.M.**

College Avenue, on the West Side, from  
260 feet south of the south curbline of Thirty-eighth street,  
to Fairfield Avenue

SECTION 3. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the deletion of the following, to wit:

College Avenue, on the West Side, from  
A point 230 feet south of Fairfield Avenue,  
To a point 180 feet north of Fairfield Avenue

College Avenue, on the East Side, from  
A point 50 feet south of Fairfield Avenue,  
To a point 108 feet north of Fairfield Avenue

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 217, 2005 was retitled GENERAL ORDINANCE NO. 47, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 47, 2005

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
22	Country Club Rd Country Meadows Dr	Country Club Rd	Stop
22	Country Meadows Dr Country Meadows Ln	Country Meadows Dr	Stop
22	Country Meadows Dr Kayla Dr	Country Meadows Dr	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.



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Proposal No. 218, 2005 was retitled GENERAL ORDINANCE NO. 48, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 48, 2005

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-342, One-way streets and alleys designated.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the addition of the following, to wit:

**SOUTHBOUND**

Harding Street, from New York Street to White River Parkway W. Drive

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 219, 2005 was retitled GENERAL ORDINANCE NO. 49, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 49, 2005

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
20	Galaxy Ln (SB) Morningstar Dr	Morningstar Dr	Stop

SECTION 2. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
20	Galaxy Ln (NB) Galaxy Ln (SB) Morningstar Dr	Galaxy Ln (NB)	Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 220, 2005 was retitled GENERAL ORDINANCE NO. 50, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 50, 2005

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
34	Cross Willow Blvd Cross Willow Ln Wood Stream Dr	None	All Way Stop
34	Cross Willow Ln Hidden Valley Ln	Cross Willow Ln	Stop
34	Cross Willow Ln Scatter Woods Ln	Cross Willow Ln	Stop
34	Hidden Valley Ln Windy Hill Ln	Windy Hill Ln	Stop
34	Scatter Woods Ln Windy Hill Ln	Windy Hill Ln	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 221, 2005 was retitled GENERAL ORDINANCE NO. 51, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 51, 2005

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
28	Mitthoefer Rd Woodsong Way	Mitthoefer Rd	Stop
28	Woodsong Ln (SWB) Woodsong Way (WB)	Woodsong Way (WB)	Yield
28	Woodsong Ln (SEB) Woodsong Way (NEB)	Woodsong Ln (SEB)	Yield
28	Woodsong Ln (SEB) Woodsong Way (SEB)	Woodsong Ln (SEB)	Yield

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 222, 2005 was retitled GENERAL ORDINANCE NO. 52, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 52, 2005

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

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SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the deletion of the following, to wit:

Orchard Village Drive, on both side, from  
Stop 11 Road to a point 70 feet north of Stop 11 Road

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Orchard Village Drive, on the East/South side, from  
Stop 11 Road to a point 615 feet north of Stop 11 Road

Orchard Village Drive, on the West Side, from  
Stop 11 Road to a point 70 feet north of Stop 11 Road

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 223, 2005 was retitled GENERAL ORDINANCE NO. 53, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 53, 2005

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
34	Cherryberry Dr Willowview Dr	Willowview Dr	Stop
34	Cole Wood Blvd Cole Wood Cir	Cole Wood Blvd	Stop
34	Cole Wood Blvd Willowview Dr	None	All Way Stop
34	Raymond St Willowview Dr	Raymond St	Stop
34	Willowview Cir Willowview Dr	Willowview Dr	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 224, 2005 was retitled GENERAL ORDINANCE NO. 54, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 54, 2005

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40	Arlington Ave Carriage Corner Dr	Arlington Ave	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 225, 2005 was retitled GENERAL ORDINANCE NO. 55, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 55, 2005

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
41	Franklin Rd Weathervane Cir	Franklin Rd	Stop
41	Weathervane Cir Weathervane Ct	Weathervane Cir	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 226, 2005 was retitled GENERAL ORDINANCE NO. 56, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 56, 2005

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
34	Franklin Rd Spring Wind Dr	Franklin Rd	Stop
34	Franklin Rd Summer Breeze Dr	Franklin Rd	Stop
34	Spring Wind Dr Summer Breeze Ln	Spring Wind Dr	Stop
34	Summer Breeze Cir Spring Wind Ln Summer Breeze Ln	Spring Wind Ln Summer Breeze Ln	Stop

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34	Summer Breeze Dr Summer Breeze Ln	Summer Breeze Ln	Stop
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SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 227, 2005 was retitled GENERAL ORDINANCE NO. 57, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 57, 2005

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
41	Bracken Dr Dublin Ln	Bracken Dr	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**ANNOUNCEMENTS AND ADJOURNMENT**

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Pfisterer in memory of Jim Cleek and Dottie L. Goen Spencer; and
- (2) Councillor Salisbury in memory of George B. Huff; and
- (3) Councillors Pfisterer, Brown, Gray and Randolph in memory of Wilfred S. "Zeke" Downs;
- (4) Councillors Gray and Boyd in memory of Dr. William "Billy" Swatts, Jr.; and
- (5) Councillors Gray, Brown and Langsford in memory of Tracey D. Walker; and
- (6) Councillors Boyd, Gray and Oliver in memory of Evelyn Sue Solomon Ratcliffe; and
- (7) Councillor Oliver in memory of Rose M. Foster and Lucy Delores Whitney; and
- (8) Councillor Langsford in memory of Cheryl Sheets and James Steckley.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Jim Cleek, Dottie L. Goen Spencer, George B. Huff, Wilfred S. "Zeke" Downs, Dr. William "Billy" Swatts, Jr., Tracey D. Walker, Evelyn Sue Solomon Ratcliffe, Rose M. Foster, Lucy Delores Whitney, Cheryl Sheets and James Steckley. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:22 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 23rd day of May, 2005.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)